

REMARKS

By the above amendment, minor informalities in the specification have been corrected, and each of independent claims 1, 2, 5, 9 and 10 which utilize the language of "at at least" which language has been objected to in claim 5, has been amended to now recite "at least at" which should overcome the Examiner's objection to the claims while properly setting forth the claimed features. Additionally, by the present amendment, other informalities in claim 3 have been corrected and claim 1, which stands withdrawn from consideration together with claims 2 - 4 and 8 - 10, has been amended so as to be in a generic form and readable on the elected species 18 such that applicants submit that claims 1 and 3 which stand withdrawn from consideration should now be given consideration as being readable on the elected species 18 as well as being generic to other species designated by the Examiner. Further claim 5 has been amended to clarify the location of the electrodes with respect to the bent portion. Also, a new dependent claim 11 has been added which depends from claim 1 which recites the feature that at least one of the opposite end portions of the discharge tube where the respective electrodes are disposed is positioned to be superposed on the periphery of the liquid crystal display panel. Furthermore, a new dependent claim 12 dependent upon claim 5 has been added which further defines the area of the display part of the liquid crystal display panel where at least a portion of the bent portion where the electrode is formed is an effective emission area of the display part as clearly illustrated in Figs. 41 and 41B of the drawings of this application and as described in paragraph [0208] at page 58 of the specification.

As to the rejection of claims 5 - 7 under 35 USC 102(b) as being anticipated by Lengyel et al (5,907,222), this rejection is traversed insofar as it is applicable to the present claims, and reconsideration and withdrawal of the rejection are respectfully requested.

As to the requirement to support a rejection under 35 USC 102, the Examiner is referred to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

In applying Lengyel et al to claim 5 of this application, the Examiner states that:

Lengyel et al teaches a liquid crystal display device ... the backlight including a discharge tube (figs. 1-5; col. 17, lines 10 - 32) having electrodes at least its opposite ends (figs. 1-5; col. 9, lines 15 - 35) the electrodes being disposed at the exterior of the discharge tube, at least one of the opposite end portions of the discharge tube where the respective electrodes are constructed as a bent portion which is bent with an angle with respect to the central axis of the discharge tube ... at least a portion of the bent portion where the electrode is formed being superposed in the area of the display part of the liquid crystal display panel ... (emphasis added).

Applicants submit that the description set forth by the Examiner of Lengyel et al is a mischaracterization of the disclosure of Lengyel et al, and is contrary to the disclosure thereof. For example, applicants submit that Lengyel et al provides no disclosure or teaching of "electrodes being disposed at the exterior of the discharge tube" (emphasis added). Rather, Fig. 5 of Lengyel et al discloses that the cathodes

24 located at each end of the phosphor illuminator lamp 14 are disposed within such lamp and likewise, Fig. 7 of Lengyel et al discloses each end of the lamp 14 has an anode 50 and filament cathode 52 within the lamp 14, recognizing in such figure, the outline of the lamp 14 is shown in dashed line with the anode and cathode being disposed within such lamp. Thus, applicants submit that Lengyel et al does not disclose or teach electrodes being disposed at the exterior of the discharge tube as recited in claim 5 and the other claims of this application irrespective of the Examiner's contention. Thus claim 5 and the dependent claims patentably distinguish over Lengyel et al in the feature above.

Furthermore, claim 5 also recites the feature that at least one of the opposite end portions of the discharge tube where the respective electrodes are disposed is constructed as a bent portion. That is, in the region where an electrode is provided on the exterior of the tube, the tube is bent. Looking to each of Figures 3A and 3B and Fig. 4, of Lengyel et al, it is apparent that the opposite ends of the tube where an electrode is internally provided is not at a bent portion of the tube. As clearly disclosed by Lengyel et al, the bent portion of the tube exists at a position away from an end of the tube. Thus, irrespective of the position set forth by the Examiner, Lengyel et al also does not disclose this further recited feature of claim 5 in the sense of 35 USC 102.

Additionally, claim 5 recites the feature that at least the portion of the bent portion where the electrode is formed is superposed in the area of the display part of the liquid crystal display panel. Although the disclosure of Lengyel et al is not clear as to where a liquid crystal display panel would be placed, it is noted that Fig. 4 of Lengyel et al discloses a cover 18 of the same size as the fluorescent cavity 16, and

referring to Fig. 1 of Lengyel et al, it can be assumed that a liquid crystal display panel is covered by a frame on the periphery there of which would correspond to the size of the cavity 16. However, it is readily apparent from Figs. 3A, 3B and 4 of Lengyel et al that the opposite ends of the discharge tube where an electrode is internally formed and which is not a bent portion would be disposed outside of the display area of the liquid crystal panel. Thus, applicants submit that Lengyel et al does not disclose in the sense of 35 USC 102 or 35 USC 103 the recited features of claim 5 and the dependent claims thereof. Accordingly, applicants submit that claim 5 and the dependent claims patentably distinguish over Lengyel et al and should be considered allowable at this time.

Applicants note that with respect to dependent claims 6 and 7, as well as new dependent claim 12 which recites the feature of superposed is an effective emission area of the display part, Lengyel et al does not provide a bent portion at the position of an external electrode and the other features as recited in such claim. As such, applicants submit that these claims further patentably distinguish over Lengyel et al in the sense of 35 USC 102 as well as 35 USC 103 and should be considered allowable thereover.

As to claim 1 which stands withdrawn from consideration, but in light of the amendment presented herein should now be considered at least with its dependent claim 3 as generic to and readable on elected species 18, it is readily apparent that Lengyel et al does not disclose the recited features thereof with respect to the electrodes being disposed at the exterior of the discharge tube and at least one of the opposite end portions of the discharge tube where the respective electrodes are disposed being bent with an angle with respect to the central axis of the discharge

tube and superposed at least one of on the display part and on the periphery of the liquid crystal display panel. Thus, applicants submit that claim 1, which is also readable on the elected species 18 and is generic to species 18 and other species of this application should now be considered and should be found allowable. Since an allowable generic claim is present in this application, applicants submit that the other independent and dependent claims of this application should also be considered and all claims should be considered allowable at this time.

For the foregoing reasons, applicants submit that in addition to claims 5 and 7 under consideration, all claims present in this application patentably distinguish over the cited art and should now be in condition for allowance such that all claims should be considered and all claims be found allowable. Accordingly, action of a favorable nature is courteously solicited.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (501.40560X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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